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TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, FOR THE
USE AND BENEFIT OF DIXON MARINE
SERVICES, INC. and DIXON MARINE
SERVICES, INC., a California Corporation,

Plaintiffs,

vs.

MASS EX CONSTRUCTION CO., a
California Corporation, and TRAVELERS
CASUALTY AND SURETY COMPANY OF
AMERICA, a Connecticut Corporation,

Defendants.

AND RELATED CROSS ACTIONS

Case No. C-05-02039 SI

DECLARATION OF CHRIS A.
McCANDLESS IN SUPPORT OF
REQUEST TO ENTER DEFAULT
OF CROSS-DEFENDANT MASS EX
CONSTRUCTION CO.

I, Chris A. McCandless, declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and am an associate of the law firm of Diepenbrock Harrison, attorneys of record for Defendant/Cross-claimant Travelers Casualty and Surety Company of America ("Travelers") in this action.

2. Travelers' Cross-Claim was served on Cross-defendant MASS EX

1 CONSTRUCTION CO. on July 10, 2005, as evidenced by the Proof of Service of Summons filed
2 with this Court on July 22, 2005. Cross-Defendant MASS EX CONSTRUCTION CO. has failed to
3 appear or otherwise respond to the Cross-Claim within the time prescribed by Rule 12(a) of
4 the Federal Rules of Civil Procedure.

5 3. I am informed and believe that Cross-defendant MASS EX CONSTRUCTION
6 CO. is not an infant, incompetent person, or a person in military service or otherwise
7 exempted from a default judgment under the Soldiers' and Sailors' Civil Relief Act of 1940.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct, and that this declaration was executed on August 25, 2005.

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11 s/s/ Chris A. McCandless
12 CHRIS A. McCANDLESS
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